

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICOLE RICOBENE,	)	
	)	
Plaintiff,	)	
	)	No. 08 CV 4309
vs.	)	
	)	Judge LINDBERG
ACCOUNT RECOVERY SERVICES, INC.,	)	
	)	Magistrate Judge COLE
Defendant.	)	

**PLAINTIFF'S ACCEPTANCE OF DEFENDANT'S RULE 68 OFFER OF JUDGMENT**

Plaintiff Nicole Ricobene hereby accepts Defendant Account Recovery Services, Inc.'s Rule 68 Offer of Judgment, attached hereto as Exhibit A, and requests the Court (1) enter the judgment and (2) set a briefing schedule on Plaintiff's counsel's fee petition pursuant to Local Rule.

s/ Zachary A. Jacobs  
Zachary A. Jacobs

Daniel A. Edelman  
Cathleen M. Combs  
James O. Lattuner  
Zachary A. Jacobs  
EDELMAN, COMBS, LATTURNER  
& GOODWIN, L.L.C.  
120 S LaSalle Street, 18<sup>th</sup> Floor  
(312) 739-4200  
(312) 419-0379 (FAX)

**CERTIFICATE OF SERVICE**

I, Zachary A. Jacobs, certify that on September 4, 2008, a copy of the foregoing document was served via ECF/PACER on the following recipients:

Joseph S. Messer (messer@messerstilp.com)

J. Michael True (true@messerstilp.com)

s/ Zachary A. Jacobs

Zachary A. Jacobs

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NICOLE RICOBENE,	)	
	)	
Plaintiff,	)	COURT FILE NO. 08CV4309
v.	)	
	)	Judge LINDBERG
ACCOUNT RECOVERY SERVICES, INC,	)	
	)	Magistrate Judge COLE
Defendants.	)	
	)	

**RULE 68 OFFER OF JUDGMENT OF DEFENDANT**  
**ACCOUNT RECOVERY SERVICES, INC**

Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant Account Recovery Services, Inc. ("Defendant"), by and through their undersigned attorneys, hereby submits this Offer of Judgment ("Offer"), which offers to allow judgment to be taken against them and in favor of Plaintiff Nicole Ricobene ("Plaintiff"), as follows:

1. Judgment shall be entered against Defendant in the amount of One Thousand and 00/100 Dollars (\$1,000.00), plus reasonable attorney fees and costs incurred by Plaintiff arising from Plaintiff's claims against Defendant as alleged in Plaintiff's Complaint in the above captioned matter.

2. The judgment entered in accordance with this Offer is to be in total settlement of any and all claims by Plaintiff against Defendant and/or potential claims against Defendant that could be brought by Plaintiff in this matter.

3. Notwithstanding the foregoing Offer, Defendant denies any wrongdoing or violation of state or federal laws, but admits liability for the sole purposes of settlement and

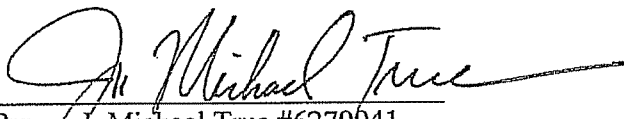
resolution of Plaintiff's claims sought in the above-captioned matter as described more fully herein.

4. If Plaintiff rejects this offer, pursuant to Rule 68, Defendant may seek to recover any additional costs and disbursements incurred in the defense of Plaintiff's claims, then accrued at the conclusion of this case, if applicable. Also, Plaintiff must pay Plaintiff's own costs and attorney fees incurred after making this Offer, as well as the costs of Defendant. *See Payne v. Milwaukee County*, 288 F.3d 1021, 1024 (7th Cir. 2002); *O'Brien v. City of Greers Ferry*, 873 F.2d 1115, 1120 (8th Cir. 1989); *Jordan v. Time, Inc.*, 111 F.3d 102 (11th Cir. 1997).

Dated the 3rd day of September, 2008

Respectfully submitted,

ACCOUNT RECOVERY SERVICES, INC

  
By: J. Michael True #6279941  
Attorney for Defendant  
Messer & Stilp, Ltd. #36703  
166 W. Washington, Suite 300  
Chicago, IL 60602  
(312) 334-FIRM (3476)  
(312) 334-3404 (Fax)

CERTIFICATE OF SERVICE

I, J. Michael True, hereby certify that on September 3, 2008, a copy of the foregoing document was served via Email and First Class U.S. Postal Mail on the following recipients:

Daniel A. Edelman  
Edelman, Combs, Lattuner & Goodwin  
120 S. LaSalle St., 18th Floor  
Chicago, IL 60603  
courtecl@edcombs.com  
Attorney for Plaintiff

James O. Lattuner  
Edelman, Combs, Lattuner & Goodwin  
120 S. LaSalle St., 18th Floor  
Chicago, IL 60603  
jlattuner@edcombs.com  
Attorney for Plaintiff

Cathleen M. Combs  
Edelman, Combs, Lattuner & Goodwin  
120 S. LaSalle St., 18th Floor  
Chicago, IL 60603  
ccombs@edcombs.com  
Attorney for Plaintiff

Zachary A. Jacobs  
Edelman, Combs, Lattuner & Goodwin  
120 S. LaSalle St., 18th Floor  
Chicago, IL 60603  
zjacobs@edcombs.com  
Attorney for Plaintiff



J. Michael True #6279941  
Attorney for Defendant  
Messer & Stilp, Ltd. #36703  
166 W. Washington, Suite 300  
Chicago, IL 60602  
(312) 334-FIRM (3476)  
(312) 334-3404 (Fax)  
true@messerstilp.com